

REMARKS

This Response to a Notice of Non-Compliant Amendment includes all relevant parts of the previously submitted Amendment without any substantive change.

I. The Rejection

Claims 1, 2, 6 and 7 have been rejected under 35 U.S.C. § 102 (a) as anticipated by Hauge et al. (WO 01/50757 A1).

Claim 3 has been rejected under 35 U.S.C. § 103 (a) as unatentable over Hauge et al. (WO 01/50757 A1) in view of Fang (US 3,701,023).

2. Allowable Subject Matter

The Examiner indicated claims 4 and 5 would be allowable if rewritten in independent form.

3. The Amended Claims Should be Allowable

Claim 4 has been amended to independent form as requested by the Examiner to include all of the limitations of original claims 2 and 3 on which it was dependent. Claim 5 has not been changed per se since it is dependent on claim 4 and thereby incorporates all of the changes to claim 4. As amended, each of claims 4 and 5 should be allowable.

Newly added claims 8 and 9, dependent on allowable claim 4 (as herein amended), incorporate the added language of original claims 6 and 7 and should be allowable based on the allowability of claim 4.

With respect to rejected independent claims 1 and 2, language relating to "a variable frequency oscillator" included within a phase locked loop has been added to each of these claims. In addition, the recited "phase locked loop" has been further defined as having "an open loop operating condition ----- wherein an oscillator correction signal substantially equal to the average value of correction signal ----is generated, thereby causing the remodulator to operate without a correction signal, etc.". This latter added language is similar to language which is found in claim 4 and was noted by the Examiner in the "reasons for indication of allowable subject matter" as not being taught or fairly

suggested by the prior art.

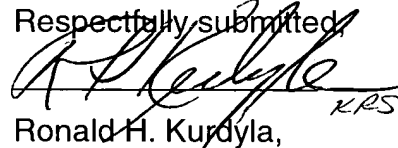
As such, it is respectfully submitted that independent claims 1 and 2, as amended, as well as claims 3, 6 and 7, which are dependent on claim 2, should all be allowable as well.

A review of each of the cited references indicates that there is no mention of this open loop feature of the presently claimed arrangements, either alone or in combination with a closed loop control mode for the oscillator.

CONCLUSION

The claimed invention is not shown or suggested by Hauge et al. and neither is there any suggestion in Fang which could be combined with Hauge to arrive at the presently claimed combinations of elements. In view of the foregoing amendments to the claims and the Remarks, reconsideration and withdrawal of all of the rejections and allowance of all pending claims 1 – 9 are respectfully requested. No additional fee is required since the total number of independent claims (three) is covered by the original filing fee

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450 on:

1/21/05
Date


Linda Tindall